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**BARNES & THORNBURG**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Plunkett

Group: 1645

Confirmation No.: 5007

Application No.: 10/074,178

Invention: MULTI-TESTS ANALYSIS OF  
REAL-TIME NUCLEIC ACID  
AMPLIFICATION

Applicant: David Eyre et al

Filed: February 12, 2002

Attorney:

Docket: 7475-69889

Examiner: Unknown

Certificate Under 37 CFR 1.8(a)

5/25/02

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231

on May 7, 2002

  
(Signature)

Joyce D. Hamilton  
(Printed Name)

**INFORMATION DISCLOSURE STATEMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This statement is filed in the application identified above pursuant to 37 C.F.R. § 1.56. No representation is intended that a complete search has been made of the prior art or that no better art references than listed below are available. A copy of each reference is provided for review by the Examiner. The filing of this Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in §1.56(b).

None of the cited art is believed to disclose or suggest the invention recited in the claims of the above-identified application. It is therefore believed that the claimed invention is patentably distinguishable over these references. Applicants note that Reference AW is a brochure for the R.A.P.I.D. Biological Agent Identification System from Idaho Technology. It is

noted that the device according to the brochure embodies the methods disclosed on page 10, line 1 to page 13, line 19 of the specification. The device sold according to the brochure did not embody the methods on page 13, line 21 to page 23, line 10 of the specification.

Please charge any fees that might be due in connection with this Information Disclosure Statement to our Deposit Account No. 10-0435 for 7475-69889. An extra copy of this Information Disclosure Statement is enclosed for that purpose.

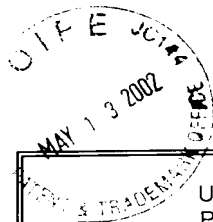
Respectfully submitted,  
BARNES & THORNBURG



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U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  INFORMATION DISCLOSURE STATEMENT	ATTY. DOCKET NO. 7475-69889	SERIAL No. 10/074,178
	APPLICANT David Eyre et al.	
	FILING DATE February 12, 2002	GROUP 1645

*Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
	AA	4,592,365	Jun 3, 1986	Georgi			
	AB	5,455,175	Oct. 3, 1995	Wittwer, et al.			
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

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## FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Subclass	Translation Yes No
	AL	WO 97/46707 -	11 Dec 1997	Wittwer, et al.			
	AM	WO 97/46712 -	11 Dec 1997	Wittwer, et al.			
	AN	WO 97/46714 -	11 Dec 1997	Wittwer, et al.			
	AO						
	AP						

## OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

	AR	Wittwer, C. T., et al., "Continuous Fluorescence Monitoring of Rapid Cycle DNA Amplification," <i>BioTechniques</i> 22, pp. 130-138 (1997)
	AS	Higuchi et al., "Kinetic PCR Analysis: Real-Time Monitoring of DNA Amplification Reactions," <i>BioTechnology</i> , Vol. 11, pp. 1026-1030 (Sept. 1993)
	AT	Birie et al., "Product Differentiation by Analysis of DNA Melting Curves During the Polymerase Chain Reaction," <i>Analytical Biochemistry</i> , 245, pp. 154-160, (1997)
	AU	Morrison et al., "Quantification of Low-Copy Transcripts by Continuous SYBR® Green 1 Monitoring During Amplification," <i>BioTechniques</i> , Vol. 24, No. 6, pp. 954-962, (1998)
	AV	Higuchi et al., "Simultaneous Amplification and Detection of Specific DNA Sequences," <i>BioTechnology</i> , Vol. 10, pp. 413-417 (1992)
	AW	"R.A.P.I.D. Biological Agent Identification System Brochure, Idaho Technology, Inc. 2001
	AX	Ozawa et al., "Quantitative determination of deleted mitochondrial DNA relative to normal DNA in parkinsonian stratum by a Kinetic PCR analysis," <i>Biochem. Biophys. Res. Comm.</i> , 172 (2): 483-489.
	AY	Chen et al., "Fluorescence energy transfer detection as a homogenous DNA diagnostic method." <i>Proc. Natl. Acad. Sc. USA</i> , Vol. 94, pp. 10756-10761 (1997)
	AZ	Passing et al., "A New Biometrical Procedure for Testing Equality of Measurements from Two Different Analytical Methods." <i>Clin. Chem. Clin. Biochem.</i> , Vol. 21, pp. 704-720 (1983)

Examiner	Date Considered
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\*EXAMINER Initial if reference considered, whether or not citation is in conformance with MPEP 609.

Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.